

1 Brian C. Rocca, S.B. #221576  
 brian.rocca@morganlewis.com  
 2 Sujal J. Shah, S.B. #215230  
 sujal.shah@morganlewis.com  
 3 Michelle Park Chiu, S.B. #248421  
 michelle.chiu@morganlewis.com  
 4 Minna Lo Naranjo, S.B. #259005  
 minna.naranjo@morganlewis.com  
 5 Rishi P. Satia, S.B. #301958  
 rishi.satia@morganlewis.com  
 6 **MORGAN, LEWIS & BOCKIUS LLP**  
 One Market, Spear Street Tower  
 San Francisco, CA 94105  
 Telephone: (415) 442-1000  
 7  
 8 Richard S. Taffet, *pro hac vice*  
 richard.taffet@morganlewis.com  
 9 **MORGAN, LEWIS & BOCKIUS LLP**  
 10 101 Park Avenue  
 New York, NY 10178  
 11 Telephone: (212) 309-6000

12 *Counsel for Defendants Google LLC et al.*

13 Glenn D. Pomerantz, S.B. #112503  
 glenn.pomerantz@mto.com  
 14 Kuruvilla Olasa, S.B. #281509  
 kuruvilla.olasa@mto.com  
 Nicholas R. Sidney, S.B. #308080  
 nick.sidney@mto.com  
 15 **MUNGER, TOLLES & OLSON LLP**  
 350 South Grand Avenue, Fiftieth Floor  
 Los Angeles, California 90071  
 Telephone: (213) 683-9100  
 16  
 17 Kyle W. Mach, S.B. #282090  
 kyle.mach@mto.com  
 18 Justin P. Raphael, S.B. #292380  
 justin.raphael@mto.com  
 19 Emily C. Curran-Huberty, S.B. #293065  
 emily.curran-huberty@mto.com  
 Dane P. Shikman, S.B. #313656  
 dane.shikman@mto.com  
 20 **MUNGER, TOLLES & OLSON LLP**  
 21 560 Mission Street, Twenty Seventh Floor  
 San Francisco, California 94105  
 Telephone: (415) 512-4000  
 22  
 23 Jonathan I. Kravis, *pro hac vice*  
 jonathan.kravis@mto.com  
 24 **MUNGER, TOLLES & OLSON LLP**  
 25 601 Massachusetts Avenue NW, Suite 500E  
 Washington, D.C. 20001  
 Telephone: (202) 220-1100

16  
 17 **UNITED STATES DISTRICT COURT**  
 18  
 19 **NORTHERN DISTRICT OF CALIFORNIA,**  
 20  
 21 **SAN FRANCISCO DIVISION**

22  
 23 **IN RE GOOGLE PLAY STORE**  
 24 **ANTITRUST LITIGATION**

25 This Document Relates To:

26 *Epic Games Inc. v. Google LLC et al.*, Case No.  
 27 3:20-cv-05671-JD

28 *In re Google Play Consumer Antitrust*  
 29 *Litigation*, Case No. 3:20-cv-05761-JD

30 *State of Utah et al. v. Google LLC et al.*, Case  
 31 No. 3:21-cv-05227-JD

32 *Match Group, LLC et al. v. Google LLC et al.*,  
 33 Case No. 3:22-cv-02746-JD

34 Case No. 3:21-md-02981-JD

35  
 36 **DEFENDANT GOOGLE'S**  
 37 **SUPPLEMENTAL STATEMENT**  
 38 **REGARDING FEBRUARY 1, 2023**  
 39 **MINUTE ORDER**

40 Judge: Hon. James Donato

2 Google submits this further response to the Court’s February 1, 2023, Minute Entry, MDL  
3 Dkt. No. 440 (“February 1 Order”). The February 1 Order states: “The parties will meet and  
4 confer about which of the relevant custodians still have their history setting turned to ‘off’ for any  
5 of their chats, and whether Google should now change those default history settings to ‘on’ for the  
6 core set of relevant custodians as the parties agree.”

6 In Google’s February 6, 2023, response to the Court’s order, Google noted that “Plaintiffs  
7 have asked Google to turn history on for all 383 employees who have received legal hold  
8 instructions in this case,” and that the Court’s reference to a ““core set of relevant custodians’ falls  
9 short of encompassing every one of the 383 employees who received a hold notice in this matter.”  
10 Nonetheless, Google indicated that it would report back this week on Plaintiffs’ request.

11 Google provides the following update on this issue: Google will turn the history setting to  
12 “on” for Google Chat, on an interim basis, for all 383 employees who have received a legal hold in  
13 this case. Those employees will not have the ability to change history to “off.” Google will meet  
14 and confer with Plaintiffs regarding which of these 383 legal hold recipients are the “core set of  
15 relevant custodians” for which this setting should remain and then report back to the Court.

16 The parties have scheduled a meet and confer for tomorrow to attempt to resolve additional  
17 issues raised by the Court's February 1 Order. The parties will report back to the Court later this  
18 week.

By: /s/ Glenn D. Pomerantz  
Glenn D. Pomerantz

Glenn D. Pomerantz, S.B. #112503

glenn.pomerantz@mto.com

Kuruvilla Olasa, S.B. #281

kuruvilla.olasa@mto.com

Nicholas R. Sidney, S.B. #308080

Nicholas R. Sidney, S.J.  
nick.sidney@mto.com

MUNGER, TOLLES & OLSON

MUNGER, FOLLES  
350 South Grand Aven

550 South Grand Avenue, Thirteenth Floor  
Los Angeles, California 90071

Los Angeles, California 90071  
Telephone: (213) 683-9100

Telephone: (213) 685-9100

Kyle W. Mach, S.B. #282090  
kyle.mach@mto.com  
Justin P. Raphael, S.B. #292380  
justin.rafael@mto.com  
Emily C. Curran-Huberty, S.B. #293065  
emily.curran-huberty@mto.com  
Dane P. Shikman, S.B. #313656  
dane.shikman@mto.com  
**MUNGER TOLLES & OLSON LLP**  
560 Mission St., Suite 2700  
San Francisco, CA 94105  
Telephone: (415) 512-4000  
Facsimile: (415) 512-4077

Jonathan I. Kravis, *pro hac vice*  
jonathan.kravis@mto.com  
**MUNGER, TOLLES & OLSON LLP**  
601 Massachusetts Avenue NW, Suite 500E  
Washington, D.C. 20001  
Telephone: (202) 220-1100

Brian C. Rocca, S.B #221576  
brian.rocca@morganlewis.com  
Sujal J. Shah, S.B #215230  
sujal.shah@morganlewis.com  
Michelle Park Chiu, S.B #248421  
michelle.chiu@morganlewis.com  
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minna.naranjo@morganlewis.com  
Rishi P. Satia, S.B #301958  
rishi.satia@morganlewis.com  
**MORGAN, LEWIS & BOCKIUS LLP**  
One Market, Spear Street Tower  
San Francisco, CA 94105  
Telephone: (415) 442-1000  
Facsimile: (415) 422-1001

Richard S. Taffet, *pro hac vice*  
richard.taffet@morganlewis.com  
**MORGAN, LEWIS & BOCKIUS LLP**  
101 Park Avenue  
New York, NY 10178  
Telephone: (212) 309-6000  
Facsimile: (212) 309-6001

*Counsel for Defendants Google LLC et al.*